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TO RUEHC/SECSTATE WASHDC PRIORITY 0179
INFO RUCNCLS/ALL SOUTH AND CENTRAL ASIA COLLECTIVE PRIORITY
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RUEHAK/AMEMBASSY ANKARA PRIORITY 3314
RUEHBJ/AMEMBASSY BEIJING PRIORITY 1130
RUEHKO/AMEMBASSY TOKYO PRIORITY 1000
RUEHIT/AMCONSUL ISTANBUL PRIORITY 1569
RUEHGV/USMISSION GENEVA PRIORITY 1383
RUCNDT/USMISSION USUN NEW YORK PRIORITY 0696
RHMFIUU/CDR USCENCOM MACDILL AFB FL PRIORITY
RUEHVEN/USMISSION USOSCE PRIORITY 2161
RUEAIIA/CIA WASHDC PRIORITY
RHEFDIA/DIA WASHDC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
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UNCLAS SECTION 01 OF 02 ASHGABAT 000159

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SUBJECT: TURKMENISTAN: HUMAN RIGHTS COMMISSION MOVING
FORWARD ON LEGISLATION AND NATIONAL STATUS REPORT

REF: 07 ASHGABAT 1003

11. (U) Sensitive but unclassified. Not for public Internet.

12. (SBU) SUMMARY: The commission responsible for ensuring that Turkmenistan meets its international human rights obligations (reftel) has constructed a game plan for revising or drafting needed legislation within the timeline to which the government has agreed. The commission appears to have established a set of priorities and has created working groups that will ensure the work is done in a way that is acceptable to the government, but without input from ordinary citizens. Meanwhile, the commission is in the process of drafting what will be a key document representing the country's efforts to fulfill its human rights obligations. Defending that document in Geneva is likely to be a challenge. END SUMMARY.

13. (SBU) In a meeting January 30 with Institute for Democracy and Human Rights Director Shirin Akhmedova, poloff gained some insights into the ongoing work of the Interdepartmental Commission for the Fulfillment of International Obligations of Turkmenistan in the Area of Human Rights. She described the second official meeting of the Commission, which convened January 5, as a progress report for Commission Chair/Deputy Cabinet Chairman/Foreign Minister Rashid Meredov. The primary achievement had been the commission's proposal that priority be given to efforts to revamp the Family, Criminal, Criminal Procedure, Civil, and Housing codes. She expects Meredov to call another meeting of the Commission in February, suggesting that he wants to keep the work moving apace to be able to show the international community Turkmenistan is making progress.

14. (SBU) Akhmedova said there were several general problems with these old codes, which were, for the most part, lightly revised Soviet codes. Elements of the old laws tended to hold redundancies of subsections found in other laws. Worse,

some laws conflicted with others. She said the Commission had established a number of working groups, made up of legal experts and government bureaucrats from relevant agencies. The working groups, in consultation with domestic and foreign experts, recommended textual revisions and the Commission had the final say. The Commission's members, comprised of representatives from key ministries, agencies, the Mejlis (Parliament), People's Council, and public associations, then clear the revised text through their own bureaucracies to assure that any revisions would not affect key departmental policies or practices.

15. (SBU) The Commission is breaking the work into blocks to streamline the revision and drafting of Turkmen laws related to human rights. The chunks were divided by general subject, then tasked to working groups of subject experts and government officials who do the analysis and draft a proposed text. In coordination with the United Nations, Turkmenistan is to complete the reform of all its human rights-oriented legislation by 2012.

16. (SBU) She indicated revising the Family Code will be the Institute's next priority, and said some basic groundwork is already underway through consultation with UNICEF, the European Union's TACIS Program, and UNDP. The Institute is also doing the groundwork for revising the old Law on Elections, working with UNDP and OSCE experts. She said the government wants to gain the capacity to monitor election procedures, and wants to revise the election law before the next important elections take place. (NOTE: Election of all the Parliament deputies is scheduled to take place in December 2008. END NOTE.)

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17. (SBU) Work on the criminal code is getting underway, with European jurists, trusted German experts like Rolf Kniepper, and UNICEF providing input. This law, she said, is to be a completely original draft rather than a revision, and will devote special attention to the subject of juvenile criminal activity. Interestingly, she identified juvenile criminal behavior as that of children under the age of 14. Although work has not yet gotten underway, Akhmedova also noted that the Institute will eventually be involved in the development of laws on disabled citizens' rights, prohibiting racial discrimination, and a revision of the citizenship law.

18. (SBU) In addition to legislative reform, the Commission is also overseeing the drafting of a series of reports to be submitted to the United Nations within two years. The most significant of these is a self-assessment documenting Turkmenistan's efforts to fulfill all human rights-related obligations as described in the Universal Declaration of Human Rights (UDHR). The Government of Turkmenistan is scheduled to send a delegation to Geneva to present this document to the UN's Human Rights Council in December 2008. Akhmedova noted that there are a number of other reports that the Commission will assemble between now and 2010, including reports on Turkmenistan's economic, social and cultural rights, citizen and political rights, and efforts to end torture and racial discrimination.

19. (SBU) Information on the submission of the UDHR report, available on the UN website, indicates that three parties will each present reports on their own perspective of Turkmenistan's progress on human rights in a single session: the Turkmen government delegation, representatives of the Office of the High Commissioner for Human Rights, and "other relevant stakeholders" -- likely international NGOs, human rights groups, and academics. (NOTE: Turkmen exile opposition groups, some of whom focus exclusively on human rights issues, are likely to be part of the third group, guaranteeing that this will be a dramatic session. END NOTE.)

110. (SBU) COMMENT: The Human Rights Commission appears to

have a game plan in place to manage the workload of revising or drafting the country's human rights legislation, and is making use of experts within and outside of government to create legislation that will be synchronized with established government policy and palatable to the UN. Further, government officials have made it clear that provincial and local-level officials should be trained and educated on implementation of the new laws. END COMMENT.
HOAGLAND